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H.R. 774, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015

FLOOR SITUATION

On Monday, July 27, 2015, the House will consider [H.R. 774](#), the *Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015*, under suspension of the rules. The bill was introduced on February 5, 2015, by Rep. Madeleine Bordallo (D-GU) and was referred to the Committee on Natural Resources, and in addition, to the Committee on Transportation and Infrastructure. The Committee on Natural Resources ordered the bill reported by unanimous consent on April 30, 2015.

SUMMARY

H.R. 774 amends and standardizes the implementing statutes for eight existing international fishery agreements to impose the sanctions of the High Seas Driftnet Fishing Moratorium Protection Act, while also applying civil and criminal penalties, and civil forfeitures against persons who violate new enforcement provisions.

The eight agreements include:

- the Pacific Salmon Treaty Act of 1985;
- the Dolphin Protection Consumer Information Act;
- the Tuna Conventions Act of 1950;
- the North Pacific Anadromous Stocks Act of 1992;
- the Atlantic Tunas Convention Act of 1975;
- the Northwest Atlantic Fisheries Convention Act of 1995;
- the Western and Central Pacific Fisheries Convention Implementation Act; and,
- the Antigua Convention Implementing Act of 2015.

The bill may be enforced with the same jurisdiction, powers, and duties as provided in the Magnuson-Stevens Fishery Conservation and Management Act, which was first enacted in 1976 and has since served as the primary law governing fisheries resources and fishing activities in federal waters.

International Fishery Agreement Enforcement—the bill authorizes the Secretary of Commerce to participate in and provide assistance to international efforts that address illegal, unreported, and

unregulated (IUU) fishing activities, “bycatch” concerns, fisheries monitoring, and other efforts to “achieve sustainable fisheries.” The bill authorizes \$450,000 per year for the National Oceanic and Atmospheric Administration (NOAA) to expand the scope of information considered and collected for identifying IUU vessels. The bill requires the Secretary to notify the President and any nation whose vessel has been identified engaging in IUU fishing activities or practices within the past three years and authorizes the Secretary to take actions against nations that have failed to address or regulate the illegal activity. The bill also includes measures to increase cooperation with regional fisheries management organizations (RFMOs).

Implementation of Ratified Treaty—the bill implements the Port State Measures Agreement, which is an international treaty adopted by the United Nations in 2009 to prevent illegally caught fish from entering the world ports and global seafood market. Specifically, this provision implements standards for dockside inspections and allows the Secretary of Commerce and the Coast Guard to establish and enforce additional regulations to restrict port entry and port services to vessels suspected of IUU fishing.

BACKGROUND

“Illegal, Unregulated, and Unreported” (IUU) fishing, also often referred to as “pirate” fishing, has been identified as a threat to sustainable fisheries worldwide because the sale of illegally-caught fish undermines markets for legally-caught fish. As an example of the effects of IUU fishing on U.S. fishermen, it is estimated that 98 million pounds of IUU crab entered the global seafood market in 2011 with estimates of over \$500 million in economic losses to U.S. crab fishermen since 2000. This level of economic impact due to IUU fishing is not unique to the U.S. or to the crab fishery. In fact, according to testimony before the Committee on Natural Resources, “Experts estimate global economic losses from IUU fishing range between \$10 and \$23.5 billion.”¹

Fishing activities within the U.S. Exclusive Economic Zone (EEZ) are regulated under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which “ensures that U.S. vessels adhere to conservation and management measures.” Fishing activities outside of U.S. waters—especially illegal fishing—can have an effect on both U.S. fishermen and the U.S. seafood industry.²

In 2006, Congress passed [H.R. 5946](#) which became Public Law 109–479. The bill reauthorized and amended the Magnuson-Stevens Act and the High Seas Driftnet Fishing Moratorium Protection Act and included a number of provisions to allow the U.S. government to take unilateral action dealing with IUU fishing.

The U.S. is a member of a number of regional fisheries management organizations (RFMOs), which provide a mechanism through which nations work together to conserve, manage, and develop fisheries. A number of these RFMOs have begun creating lists of vessels that are fishing illegally within the appropriate region. According to the Natural Resources Committee, international enforcement is necessary to prevent illegal fishermen from operating in an environment where the monetary reward of IUU fishing far outweighs the risk of being caught. H.R. 774 is intended to enhance international cooperation in preventing IUU fishing.³

¹ See House Report [113-685](#) at 15

² See House Report [113-685](#) at 16

³ See House Report [114-212](#) at 16

The United States ratified the UN-passed Port State Measures Agreement in April 2014; however, the agreement will not take effect until it is ratified by 25 parties. To date, it has only been ratified by 13. The Ports State Measures Agreement specifically recognizes that all seafood must pass through a port to get to market, establishes standards for dockside inspections, and requires parties to restrict port entry to foreign vessels suspected of IUU fishing and to take other measures to prevent IUU fish from reaching market.⁴

On June 17, 2014, President Obama released a presidential [memorandum](#) entitled "Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud." The memorandum calls on executive departments and agencies to combat IUU fishing and seafood fraud by strengthening coordination and using existing authorities.⁵

According to the bill sponsor, "illegal, unreported, and unregulated fishing threatens the economic and social infrastructure of fishing communities and impacts national and regional security of the U.S. and our allies . . . IUU fishing poses a significant risk to local fishermen who engage in legitimate fishing practices, and to the long-term sustainability of our fishing stocks. Additionally, vessels engaged in IUU fishing have a high likelihood of engaging in other various trafficking activities. Countries like Australia, Palau and now even Papua New Guinea have led the way in combating IUU fishing, and the U.S. must take immediate and forceful action as well. This bill provides much-needed enforcement tools to the Coast Guard and NOAA to combat IUU fishing, and it implements a treaty ratified by the Senate last year to deny vessels port entry and services if they engage in IUU fishing."⁶

A similar bill, [H.R. 69](#), was introduced in the 113th Congress on January 3, 2013, and referred to the Committee on Natural Resources, which ordered the bill reported on September 18, 2014, by unanimous consent.

COST

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 774 would cost \$2 million over the 2016 to 2020 period, assuming appropriation of the authorized amounts. Because enacting the bill could increase revenues (from civil and criminal penalties) and associated direct spending, pay-as-you-go procedures apply. However, CBO estimates that such increases in penalties and spending would be less than \$500,000 annually and would offset each other in most years.

STAFF CONTACT

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

⁴ See House Report [114-212](#) at 17

⁵ See Congressional Research Service (CRS) report, ["Seafood Fraud,"](#) April 7, 2015

⁶ See Press Release, ["Bordallo Reintroduces IUU Fishing Enforcement Act,"](#) February 10, 2015